

Attorney Docket: 27010U

MAIL STOP PCT

U.S. Department Of Commerce, Patent And Trademark Office		Date: October 4, 2005
Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371		U.S. Application No.: <b>10/551943</b> (if known): Not Yet Assigned
International Application No.: PCT/EP2004/050493	International Filing Date: 8 April 2004 (08.04.2004)	Priority Date Claimed: 11 April 2003 (11.04.2003) DE 11 April 2003 (11.04.2003) EP
Title of Invention: ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP ANTAGONISTS		
Applicants for DO/EO/US: DIETRICH, Rango; NEY, Hartmut; HILTL, Simone; HAAS, Bernd-Michael		
<p>Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p>a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>5. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>6. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>7. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>8. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>9. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b></p> <p>10. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>11. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>12. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>13. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>17. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>18. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>19. <input checked="" type="checkbox"/> Other items or information:            TRANSMITTAL LETTER; APPLICATION DATA SHEET; INTERNATIONAL PUBLICATION NUMBER: WO 2004/089342 A2; INTERNATIONAL PUBLICATION DATE: 21 OCTOBER 2004 (21.10.2004), WHICH CONSISTS OF 35 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT, 31 PAGES OF TEXTUAL SPECIFICATION, 3 PAGES OF 26 CLAIMS, 0 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDICES A AND B TO BE EXAMINED; PCT REQUEST WITH EXECUTED DECLARATION (PCT/RO/101); INTERNATIONAL SEARCH REPORT (PCT/ISA/210); FIRST NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); SECOND AND SUPPLEMENTARY NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION (PCT/IB/332); NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.</p>		

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U.S. Application Number: (if known): Not Yet Assigned <b>10/551943</b>	International Application Number: PCT/EP2004/050493	Date: October 4, 2005																																																																		
<p>The following fees are submitted:</p> <table> <tr> <td>21. Basic National Fee .....</td> <td>\$ 300.00</td> <td><u>CALCULATIONS</u></td> <td><u>PTO USE ONLY</u></td> </tr> <tr> <td>22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) .....</td> <td>\$ 100.00</td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$ 200.00</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office .....</td> <td>\$ 400.00</td> <td>\$ 400.00</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$ 500.00</td> <td></td> <td></td> </tr> <tr> <td>— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></td> <td>\$ 900.00</td> <td></td> </tr> </table>			21. Basic National Fee .....	\$ 300.00	<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>	22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) .....	\$ 100.00	\$ 300.00		All other situations .....	\$ 200.00	\$ 200.00		23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office .....	\$ 400.00	\$ 400.00		All other situations .....	\$ 500.00			— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.				<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 900.00																																							
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- a.  One check in the amount of \$1,200.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c.  The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d.  Fees are to be charged to a credit card  WARNING: Information on this form may become public  Credit Card Information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath  
**NATH & ASSOCIATES PLLC**  
 1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
 Washington, D.C. 20005-1503

Tel: 202-775-8383  
 Fax: 202-775-8396



Gary M. Nath  
 Reg. No. 26,965  
 Sheldon M. McGee  
 Reg. No. 50,454  
 Customer No. 34375

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**10/551943**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
DIETRICH, et al.

Application No.: Not Yet Assigned  
Filed: October 4, 2005

International Application No.: PCT/EP2004/050493  
International Filing Date: 8 April 2004 (08.04.2004)  
Title: ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP ANTAGONISTS

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Application Data Sheet;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/089342 A2; International Publication Date: 21 October 2004 (21.10.2004), which consists of 35 pages:
  - 1 page for the Cover Sheet, which contains the Abstract,
  - 31 pages of Textual Specification,
  - 3 pages of 26 Claims,
  - 0 sheets of Drawings;
- (4) Preliminary Amendment with Appendixes A and B To Be Examined;
- (5) PCT Request with Executed Declaration (PCT/RO/101);
- (6) International Search Report (PCT/ISA/210);
- (7) First Notice Informing the Applicant of the Communication of the International Application To The Designated Offices (PCT/IB/308);
- (8) Second and Supplementary Notice Informing the Applicant of the Communication of the International Application To The Designated Offices (PCT/IB/308);
- (9) Information Concerning Elected Offices Notified of Their Election (PCT/IB/332);
- (10) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (11) Check No.: 1010 in the Amount of \$ 1,200.00 for Basic Filing Fee, which includes the Search and Examination Fees (\$900.00), and for 6 Total Claims over 20 (\$300.00), as a Large Entity.
- (12) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: October 4, 2005

By:   
Gary M. Nath  
Reg. No. 26,965  
Sheldon M. McGee  
Reg. No. 50,454  
Customer No. 34375

**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
Tel: 202-775-8383  
Fax: 202-775-8396  
GMN/SMM/le (Appl.NP)